

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BOBBY STARNES,

Plaintiff,

v.

ALEXIS CHASE et al.,

Defendants.

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Case No.: 5:09-cv-112(CAR)

42 U.S.C. § 1983

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 21] to grant Defendants' Motion to Dismiss [Doc. 9] all of Plaintiff's claims pursuant to 42 U.S.C. § 1983 for lack of exhaustion and, in the alternative, for failure to state a claim upon which relief can be granted. Plaintiff has not entered an objection to the Recommendation. Upon review of the Recommendation and consideration of the matter, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendants' Motion to Dismiss is **GRANTED**, and the case is hereby **DISMISSED**. Plaintiff's Motion for Permanent Injunction is **DENIED** as moot, and Plaintiff's Motion to Amend is **DENIED** as futile.

SO ORDERED, this 18th day of March, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

THC/apg